

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

CLARENCE BOUDREAUX, #1168605,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Case No. 6:20-cv-518-JDK-JDL
	§	
JONI WHITE, et al.,	§	
	§	
Defendants.	§	
	§	

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Clarence Boudreaux, a prisoner within the Texas Department of Criminal Justice, proceeding pro se, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. This case was referred to United States Magistrate Judge, the Honorable John D. Love, for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On September 23, 2020, Judge Love granted Plaintiff *in forma pauperis* status and directed Plaintiff to submit an initial, partial filing fee of \$20 within thirty days of receipt of the order. Docket No. 4. Plaintiff subsequently moved for an extension of time to submit the \$20 fee. Docket No. 5. Judge Love granted that request, directing Plaintiff to submit his fee or demonstrate a financial inability to do so by December 1, 2020. Docket No. 7. Judge Love's order specifically warned Plaintiff that failure to comply may result in the dismissal of the complaint. Plaintiff later sent a copy of a TDCJ inmate withdrawal slip requesting a \$20 withdrawal for court

fees, but did not send the filing fee. Docket No. 8. On December 8, 2020, Judge Love issued a Report recommending that Plaintiff's case be dismissed, without prejudice, for Plaintiff's failure to submit the initial filing fee of \$20. Docket No. 10. Plaintiff has filed timely objections, but still has not submitted the initial filing fee that was first ordered on September 23, 2020. Docket No. 12.

Where a party objects within fourteen days of service of the Report and Recommendation, the Court reviews the objected-to findings and conclusions of the Magistrate Judge de novo. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff's objections do not argue that Plaintiff is financially unable to pay the \$20 filing fee. And Plaintiff makes no other relevant objection to Judge Love's Report. Accordingly, the Court has determined that the Report and Recommendation is correct, and the objections are without merit.

The Court therefore **OVERRULES** Plaintiff's objections (Docket No. 12) and **ADOPTS** the Report and Recommendation of the Magistrate Judge (Docket No. 10) as the opinion of the District Court. It is further **ORDERED** that this civil action is **DISMISSED**, without prejudice, for Plaintiff's failure to comply with an order of the Court.

So **ORDERED** and **SIGNED** this **29th** day of **December, 2020**.



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JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE